



Express Mail No.: EL 401 20 603 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Herr et al.

Application No.: 09/720,282

Filed: March 26, 2001

For: EGG-SURFACE PROTEINS AND
METHODS OF THEIR USE FOR
MODULATING FERTILITY

Art Unit: 1644

Examiner: Patrick J. Nolan

Attorney Docket No.: 9426-004

Confirmation No.: 1066

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TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING

Assistant Commissioner for Patents
Box SEQUENCE
P.O. Box 2327
Arlington, VA 22202

Sir:

In response to the Notice to Comply with the Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed September 30, 2002 ("Notice to Comply"), Applicants submit herewith a substitute Sequence Listing in paper and computer-readable form pursuant to 37 C.F.R. §1.821(c), (d) and (e), respectively, in order to correct the errors found in the Sequence Listing filed on June 18, 2001.

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c), (d) and (e), respectively, are the same.

Respectfully submitted,

Date: October 29, 2002

by William J. Duran
Geraldine F. Baldwin 31,232 REG NO
Geraldine F. Baldwin (Reg. No.) 40,203

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OCT 29 2002

Application No.: 09/720,282

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See communication enclosed

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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Technical Assistance.....703-287-0200

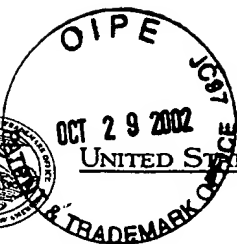
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,282 ✓		John C. Herr	9426-004 ✓	1066

20583 7590 09/30/2002

PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

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EXAMINER

NOLAN, PATRICK J

ART UNIT	PAPER NUMBER
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1644

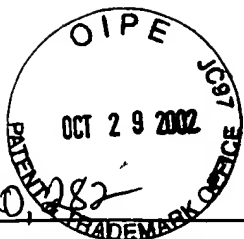
DATE MAILED: 09/30/2002

Seq. Listing: 10/30/02SM

Please find below and/or attached an Office communication concerning this application or proceeding.

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REFERRED TO <u>Baldwin</u> REC'D <u>Thomann</u> OCT 04 2002 Pennie & Edmonds O.K. for filing
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 7-18-2001 is not fully responsive to the communication mailed 4-17-01 for the reason(s) set forth below.

Specifically there are peptide sequences on page 76 that have no SEQ ID NOS:.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **Patrick J. Nolan**, Art Unit **1644**, whose telephone number is **703-305-1987**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Patn J-NOL
PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER

9/26/02

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